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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,573	07/13/2001	John Aram Safa	FORR 2275	2842

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SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

EXAMINER

HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/905,573

Applicant(s)

SAFA, JOHN ARAM

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29,31-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-29,31-44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2131

1 This action is in response to the communication filed on 1/18/2007.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments filed 1/18/2007 have been fully considered but they are not
5 persuasive.

6 Regarding applicant's argument that Altberg does not disclose "a single self-contained
7 executable application", the examiner does not find the argument persuasive. The examiner
8 points out that an application is not necessarily one executable file. For example, MICROSOFT
9 WORD is an application which is made up of many files. It is the combination of these files that
10 forms the application. The claims require an executable application recorded on a computer
11 readable medium. The examiner points to Altberg Col. 6 Lines 1-3, 37-41, and 54-57, which
12 shows that the portions of the "application" can all be stored on the shipping medium. As such,
13 Altberg does disclose "an application" comprising the claimed application parts. Therefore, the
14 examiner does not find the argument persuasive.

15 Regarding applicant's argument that Altberg does not disclose a single executable, the
16 examiner does not find the argument persuasive. In response to applicant's argument that the
17 references fail to show certain features of applicant's invention, it is noted that the features upon
18 which applicant relies (i.e., a single executable) are not recited in the rejected claim(s). Although
19 the claims are interpreted in light of the specification, limitations from the specification are not
20 read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
21 As such the examiner does not find the argument persuasive.

Art Unit: 2131

1 Claims 27-28, 32, 35-38, 40, 42-44, 46, and 48-49 are rejected under 35 U.S.C. 102(e) as
2 being anticipated by Altberg et al. (US Patent Number 6,353,928) hereinafter referred to as
3 Altberg.

4 Regarding claim 27, Altberg disclosed a computer readable medium having an executable
5 application recorded thereon (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the
6 executable application comprising a program (See Altberg Fig. 2 Element 205 and Col. 6 Lines
7 41-43), one or more encrypted sub-routines (See Altberg Fig. 2 Element 220 File 1 – File N and
8 Col. 6 Lines 1-3 and Col. 7 Lines 18-20), and a decryption routine (See Altberg Col. 7 Lines 21-
9 25), wherein the program is executed in response to execution of the executable application by a
10 computer system (See Altberg Col. 6 Lines 50-54), the program requires access to the sub-
11 routines during execution (See Altberg Col. 6 Lines 63-65), and the decryption routine is
12 operable to detect whether a required sub-routine is already available within the computer system
13 (See Altberg Col. 7 Lines 7-10), to cause the program to use the sub-routine within the computer
14 system if already available (See Altberg Col. 7 Lines 26-35), and to decrypt the required
15 encrypted sub-routine into an executable form if the sub-routine is not already available within
16 the computer system (See Altberg Col. 7 Lines 13-25), at least when access to the sub-routine is
17 required by the program (See Altberg Col. 7 Lines 13-25).

18 Regarding claim 37, Altberg disclosed a computer system operable to execute an
19 executable application, the system including: first store means containing computer readable
20 code representing the executable application (See Altberg Fig. 2 Element 205 and Col. 6 Lines
21 41-43); second store means containing computer readable code representing one or more sub-
22 routines (See Altberg Fig. 2 Element 215 and Col. 6 Paragraph 1); loading means operable to

Art Unit: 2131

1 load the code of the executable application for execution (See Altberg Col. 6 Lines 50-65), the
2 executable application comprising: a program which requires access to one or more sub-routines
3 during execution (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the sub-routines
4 required by the program in encrypted form (See Altberg Fig. 2 Element 220 File 1 – File N and
5 Col. 6 Lines 1-3 and Col. 7 Lines 18-20); identifying means operable to identify the sub-routines
6 required by the program during execution thereof (See Altberg Col. 7 Lines 7-10); and second
7 loading means operable to load from the second store means the sub-routines identified by the
8 identifying means (See Altberg Col. 7 Lines 26-35) and to decrypt and load one or more
9 encrypted sub-routines in the event that sub-routines identified by the identifying means are not
10 contained in the second store means (See Altberg Col. 7 Lines 13-25).

11 Regarding claim 43, Altberg disclosed a method of installing a piece of computer
12 software, comprising: providing an executable application which includes a program, one or
13 more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-
14 routines into an executable form, wherein the program requires access to the sub-routines during
15 execution and the decryption routine decrypts the encrypted sub-routines into an executable form
16 at least when access is required by the program (See the rejection of claim 27 above), installing
17 the executable application (See Altberg Col. 6 Lines 50-52), commencing execution of said
18 program (See Altberg Col. 6 Lines 63-65), operating the decryption routine to decrypt the
19 encrypted copy of the sub-routines (See Altberg Col. 7 Lines 13-25), and installing the decrypted
20 copies of the sub-routines for access by said program (See Altberg Col. 7 Lines 13-25).

21 Regarding claim 49, Altberg disclosed a computer readable medium having an executable
22 application recorded thereon, the executable application comprising a program, one or more

Art Unit: 2131

1 encrypted sub-routines, and a decryption routine, wherein the program is executed in response to
2 execution of the executable application, the program requires access to the sub-routines during
3 execution, and the decryption routine is operable to decrypt the encrypted sub-routines into an
4 executable form at least when access to the sub-routines is required by the program (See the
5 rejection of claim 27 above), and wherein the one or more sub-routines are shared sub-routines
6 that may be accessed by a further program when decrypted (See Altberg Col. 7 Paragraph 1).

7 Regarding claims 28, 38, and 44, Altberg disclosed that the decryption routine is
8 executed whenever the program is executed (See Altberg Col. 6 Lines 50-54).

9 Regarding claims 32, 40, and 46, Altberg disclosed that the decryption routine is operable
10 to discriminate between different versions of a sub-routine and to decrypt an encrypted copy of a
11 sub-routine in the event that the version of the encrypted sub-routine differs from the version of
12 the sub-routine available within the system (See Altberg Abstract).

13 Regarding claims 35, 42, and 48, Altberg disclosed that the encryption and decryption
14 include or consist of compression or decompression techniques (See Altberg Col. 7 Lines 13-25).

15 Regarding claim 36, see the rejection of claim 27 above.

16 ***Claim Rejections - 35 USC § 103***

17 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
18 obviousness rejections set forth in this Office action:

19 *A patent may not be obtained though the invention is not identically disclosed or*
20 *described as set forth in section 102 of this title, if the differences between the subject matter*
21 *sought to be patented and the prior art are such that the subject matter as a whole would have*
22 *been obvious at the time the invention was made to a person having ordinary skill in the art to*
23 *which said subject matter pertains. Patentability shall not be negated by the manner in which*
24 *the invention was made.*
25

1 Claims 29, 31, 39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over
2 Altberg as applied to claim 27 above, and further in view of Caron et al. (US Patent Number
3 5,586,328), hereinafter referred to as Caron.

4 Altberg disclosed use of shared sub-routines in an application and installation of any
5 shared sub-routines not already available (See the rejection of claim 27 above) but failed to
6 specifically disclose how the shared sub-routines are located during runtime of the program.

7 Caron teaches that during initialization of an application an entry in an address table
8 should be made to identify the location of a sub-routine, the address table being accessible by the
9 program for locating sub-routines for access when required (See Caron Col. 12 Line 66 – Col. 13
10 Line 27).

11 It would have been obvious to the ordinary person skilled in the art at the time of
12 invention to employ the teachings of Caron in the installation system of Altberg by populating an
13 address table with the locations of the required files. This would have been obvious because the
14 ordinary person skilled in the art would have been motivated to provide a means for the
15 application to located the required files during execution.

16 Claims 33-34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over
17 Altberg as applied to claim 27 above, and further in view of Shen (US Patent Number
18 6,611,850).

19 Altberg disclosed installation and execution of an application in which missing required
20 files are installed (See Rejection of claim 27 above) but failed to disclose providing an encrypted
21 backup copy of the application to be decrypted and installed in the event that the original
22 application was missing or determined to be corrupt.

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Shen in the installation system of Altberg by creating an encrypted backup file of the application and using the backup to restore the application in the event that the file was found to be missing or corrupt. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide protection against accidental deletion of the application, malfunction, or infection by a computer virus.

Claims 27-29, 31-44, and 46-50 have been rejected.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2131

1 Any inquiry concerning this communication or earlier communications from the
2 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
3 The examiner can normally be reached on M-F 8-4.

4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
5 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
6 organization where this application or proceeding is assigned is 571-273-8300.

7 Information regarding the status of an application may be obtained from the Patent
8 Application Information Retrieval (PAIR) system. Status information for published applications
9 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
10 applications is available through Private PAIR only. For more information about the PAIR
11 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
12 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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20 Matthew Henning
21 Assistant Examiner
22 Art Unit 2131
23 3/20/2007


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100